

REMARKS

Claims 1-11 are now pending in the application. Claim 7 has been amended to simply overcome the Examiner's objection. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102**BEST AVAILABLE COPY**

Claims 1-11 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Williams (U.S. Patent No. 4,035,921). This rejection is respectfully traversed.

It is well established that for a claim to be anticipated by a prior art reference, that reference must contain each and every element of the claim. Williams discloses a lockable spout closure assembly that includes an elastomeric stopper that is axially compressible by a locking mechanism so that it expands radially to grip an inner surface of a spout. Williams does not disclose that the tube for receiving the indicator rod has a flange, and that the locking mechanism releasably engages the flange to restrain the movement of the indicator, or to couple the indicator rod to the tube, as required by independent claims 1 and 6, respectively. The Examiner's assertion that Williams discloses a flange, by making general reference to a "rim, Figure 2" with no reference numeral, is unfounded. Figure 2 of Williams does not show a flange on the spout or tube, nor does any illustration in Williams. Further, no such reference or term can be found in the specification of Williams '921. Williams '921 does not disclose this feature.

Because Williams does not disclose each and every element of independent claims 1 and 6, these claims cannot be anticipated by Williams. Withdrawal of the

rejection of claims 1 and 6, and of claims 2-5 and 7-11, which depend from claims 1 and 6, and reconsideration and re examination of the claims, is respectfully requested.

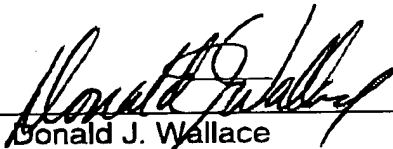
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CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 944-6522.

Respectfully submitted,

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